



## DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

## INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING

and for which a patent application:

- is attached hereto and includes amendment(s) filed on (if applicable)
- was filed in the United States on March 20, 2000 as Application No. 09/538,989 with amendments filed on November 28, 2000, August 27, 2001, March 25, 2002, and Response to Restriction Requirement on November 28, 2002
- was filed as PCT International Application No. on and was amended under PCT Article 19 on (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

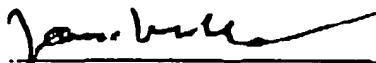
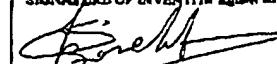
NON-PROVISIONAL APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED

\* for use only when the application is assigned to a company, partnership or other organization.

(1)

DOI: 332698.1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME <b>VOGEL</b>	FIRST NAME <b>Jean-Marie</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>Lincoln</b> <del>Boston</del>	STATE OR FOREIGN COUNTRY <b>MA</b>	COUNTRY OF CITIZENSHIP <b>France</b>
	POST OFFICE ADDRESS	STREET <b>5 Oak Meadow</b> <del>640 Common Road</del>	CITY <b>Lincoln</b> <del>Boston</del>	STATE OR COUNTRY <b>MA</b> ZIP CODE <b>01740 D1773</b>
SIGNATURE OF INVENTOR <b>Jean-Marie VOGEL</b> 			DATE <b>7 AUGUST 2003</b>	
2 0 2	FULL NAME OF INVENTOR	LAST NAME <b>DOSCHETTI</b>	FIRST NAME <b>Egisto</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>CROISSY</b> <del>Seine-et-Oise</del>	STATE OR FOREIGN COUNTRY <b>France</b>	COUNTRY OF CITIZENSHIP <b>France</b>
	POST OFFICE ADDRESS	STREET <b>11, RUE COTE BELIER</b> <del>2 Avenue des Bois</del>	CITY <b>CROISSY</b> <del>Seine-et-Oise</del>	STATE OR COUNTRY <b>France</b> ZIP CODE <b>78290</b>
SIGNATURE OF INVENTOR <b>Egisto DOSCHETTI</b> 			DATE <b>8 August 2003</b>	
2 0 3	FULL NAME OF INVENTOR	LAST NAME <b>THOMAS</b>	FIRST NAME <b>Richard</b>	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY <b>LINCOLN</b> <del>Boston</del>	STATE OR FOREIGN COUNTRY <b>MA</b>	COUNTRY OF CITIZENSHIP <b>USA</b>
	POST OFFICE ADDRESS	STREET <b>190 LINCOLN Rd</b> <del>556 Franklin Road</del>	CITY <b>LINCOLN</b> <del>Boston</del>	STATE OR COUNTRY <b>MA</b> ZIP CODE <b>01773 04478</b>
SIGNATURE OF INVENTOR <b>Richard THOMAS</b> 			DATE <b>8/8/03</b>	
2 0 4	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY ZIP CODE
SIGNATURE OF INVENTOR <b>204</b>			DATE	
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY ZIP CODE
SIGNATURE OF INVENTOR <b>205</b>			DATE	

(2)

DCI: 35269L1

TOTAL P.03



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jean-Marie VOGEL et al.

Application No: 09/528,989

Group Art Unit: 1617

Filed: March 20, 2000

Examiner: L. WELLS

For: INJECTABLE AND SWELLABLE  
MICROSPHERES FOR TISSUE BULKING

Attorney Docket No.: 9676-292

**CONSENT BY ASSIGNEE TO CORRECTION OF INVENTORSHIP**

COMMISSIONER FOR PATENTS  
PO BOX 1450  
Alexandria, Virginia 22313-1450

Sir:

BioSphere Medical, Inc., a Delaware Corporation having an address at 1050 Hingham Street, Rockland, MA 02370, and owner of the entire right, title and interest in, to and under the invention and U.S. patent application serial no. 09/528,989, filed March 20, 2000 and identified by Pennie & Edmonds LLP docket no. 9676-292, entitled "INJECTABLE AND SWELLABLE MICROSPHERES FOR TISSUE BULKING," hereby consents to amendment of said application to add the following actual inventor: Richard Thomas.

BioSphere Medical, Inc. certifies that it is the assignee of the entire right, title and interest in, to and under U.S. patent application Serial No. 09/528,989, pursuant to an assignment executed by Jean-Marie VOGEL and Egisto BOSCHETTI, the presently named inventors of the application, which was recorded on December 6, 2000 at Reel 011335, Frame 0117, in the Assignment Division of the U.S. Patent and Trademark Office. A copy of that Assignment, together with the Notice of Recordation of Assignment Document issued by the Office, is attached hereto as Exhibit A.

The undersigned has reviewed all of the documents in the chain of title of Application Serial No. 09/528,989 and believes, to the best of undersigned's knowledge, that the title is in BioSphere Medical, Inc. The undersigned declares that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

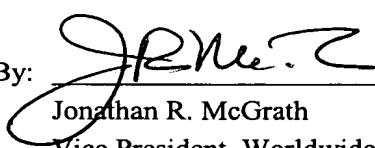
The undersigned further states that he has authority to act on behalf of BioSphere Medical, Inc.

BioSphere Medical, Inc.

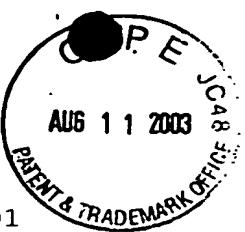
Date

Aug 7, 2003

By:

  
Jonathan R. McGrath

Vice President, Worldwide Research & Development



9016 - 292-721

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

FEBRUARY 26, 2001

PTAS

PENNIE & EDMONDS LLP  
BEIBING ZHANG  
1667 K STREET, N.W.  
WASHINGTON, D.C. 20006



\*101553979A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/06/2000

REEL/FRAME: 011335/0117  
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:  
VOGEL, JEAN-MARIE

DOC DATE: 11/22/2000

ASSIGNEE:  
BOSCHETTI, EGISTO

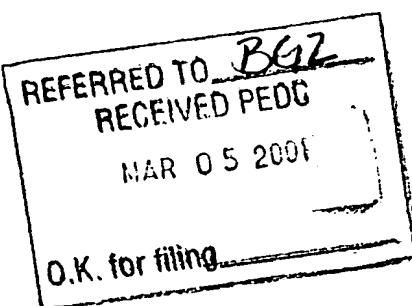
DOC DATE: 11/07/2000

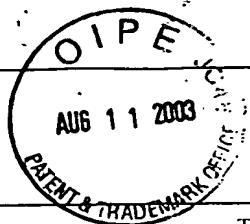
ASSIGNEE:  
BIOSPHERE MEDICAL, INC.  
1050 HINGHAM STREET  
ROCKLAND, MASSACHUSETTS 02370

SERIAL NUMBER: 09523989  
PATENT NUMBER:

FILING DATE: 03/20/2000  
ISSUE DATE:

SHARON LATIMER, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS





12-18-2000

12-6-00



101553979

Attorney Docket Number 9676-292

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS  
Box Assignment  
Washington, DC 20231

Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Jean-Marie VOGEL and Egisto BOSCHETTI

Additional name(s) of conveying party(ies) attached?

 Yes  No

## 3. Nature of conveyance:

Assignment  Merger  
 Security Agreement  Change of Name  
 Other \_\_\_\_\_

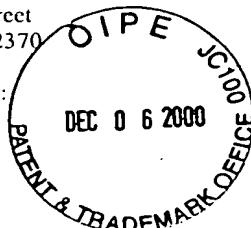
Execution Date: November 22, 2000 and November 7, 2000

## 2. Name and address of receiving party(ies):

Name: BioSphere Medical, Inc.

Address: 1050 Hingham Street  
Rockland, MA 02370

Country (if other than USA):



## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s) 09/528,989

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

PENNIE & EDMONDS LLP  
1667 K Street, N.W.  
Washington, D.C. 200066. Number of applications and patents involved: 17. Total fee (37 CFR 3.41): \$ 40.00  
Please charge to the deposit account listed in Section 8.8. Deposit account number:  
16-1150

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Beibing Zhang P-47,331  
For: Anthony M. Insogna 35,203  
Name of Person Signing Reg. No.

Signature

Dec. 6, 2000  
Date

Total number of pages including cover sheet:

5

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignment  
Washington, D.C. 20231

## ASSIGNMENT

WHEREAS, WE, Jean-Marie VOGEL and Egisto BOSCHETTI, ASSIGNORS, citizens of France, residing at 64 Cobleigh Road, Boxborough, MA 01719 and 9 Allee Due Bois, Gougenot, France 78290, respectively, are the inventors of the invention in INJECTABLE AND SWELLABLE MICROSPPHERES FOR TISSUE BULKING for which we have executed an application for a Patent of the United States

which is executed on       even date herewith or       \_\_\_\_\_

which is identified by Pennie & Edmonds LLP docket no. 9676-292  
 which was filed on March 20, 2000, Application No. 09/528,989

and WHEREAS, BioSphere Medical, Inc., ASSIGNEE, a corporation organized under the laws of Delaware and having a place of business at 1050 Hingham Street, Rockland, MA 02370, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in exchange for good and valuable consideration to us, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date Nov. 22, 2000

  
Jean-Marie VOGEL

L.S.

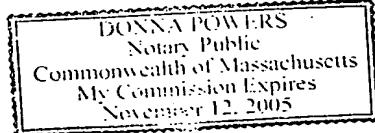
State of MA }  
County of Plumpton }

SS.:

In the State of MA, county of Plumpton, on Nov. 22, 2000, before me, Donna Powers, Notary Public, personally appeared Jean-Marie VOGEL, personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal





Witness (printed name)

Witness (signature)

Date

Date \_\_\_\_\_, 2000 \_\_\_\_\_ L.S.  
Egisto BOSCHETTI

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) SS.:  
                  )

In the State of \_\_\_\_\_, county of \_\_\_\_\_, on \_\_\_\_\_, before  
me, \_\_\_\_\_, Notary Public, personally appeared Egisto BOSCHETTI,  
personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal

---

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Witness (printed name)

---

Witness (signature)

---

Date

## **ASSIGNMENT**

WHEREAS, WE, Jean-Marie VOGEL and Egisto BOSCHETTI, ASSIGNORS, citizens of France, residing at 64 Cobleigh Road, Buxborough, MA 01719 and 9 Allee Due Bois, Gougenot, France 78290, respectively, are the inventors of the invention in INJECTABLE AND SWELLABLE MICROSFERES FOR TISSUE BULKING for which we have executed an application for a Patent of the United States

which is executed on       even date herewith or       \_\_\_\_\_

which is identified by Pennie & Edmonds LLP docket no. 9676-292  
 which was filed on March 20, 2000, Application No. 09/528,989

and WHEREAS, BioSphere Medical, Inc., ASSIGNEE, a corporation organized under the laws of Delaware and having a place of business at 1050 Hingham Street, Rockland, MA 02370, is desirous of obtaining our entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in exchange for good and valuable consideration to us, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSINNEE, its successors, legal representatives and assigns, our entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof:

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, We hereunto set our hands and seals the day and year set opposite our respective signatures.

Date \_\_\_\_\_, 2000 \_\_\_\_\_ L.S.  
Jean-Marie VOGEL

Start at } SS.:

State of } -

County of \_\_\_\_\_ SS.: \_\_\_\_\_

In the State of \_\_\_\_\_, county of \_\_\_\_\_, on \_\_\_\_\_, before  
me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_ Jean-Marie VOGEL \_\_\_\_\_  
personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal.

Witness (printed name)

Witness (signature)

Dair

Date Nov 7, 2000 2000

  
Egisto BOSCHETTI

L.S.

State of

County of

} SS.:

In the State of \_\_\_\_\_, county of \_\_\_\_\_, on \_\_\_\_\_, before  
me, \_\_\_\_\_, Notary Public, personally appeared Egisto BOSCHETTI, on \_\_\_\_\_,  
personally known to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within  
instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by  
his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the  
instrument.

WITNESS my hand and official seal

LJUBENOV Danielle  
Witness (printed name)

  
Witness (signature)

Nov 7, 2000  
Date